

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

09 NOV 2007

Terry L. Dunlap, President  
Allegheny Ludlum Corporation  
1000 Six PPG Place  
Pittsburgh, PA 15222

**Re: Notice of Violation: III-CAA-08-004**

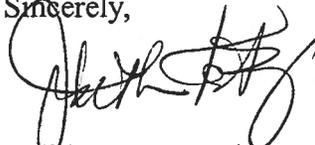
Dear Mr. Dunlap:

As you know, EPA Region III representatives, along with Allegheny County Health Department (ACHD) representatives, inspected your Natrona, Pennsylvania facility on August 8, 2007 and witnessed violations of the ACHD Rules and Regulations, Article XXI, Section 2104.01 which limits process fugitive emissions from your facility's Basic Oxygen Furnace Shop. By the attached Notice of Violation ("NOV"), Allegheny Ludlum Corporation ("ALC") is hereby notified that the company is operating and has been operating this facility in violation of applicable federally enforceable air pollution control requirements, including the Clean Air Act and the Allegheny County portion of the Pennsylvania State Implementation Plan ("PA SIP").

Pursuant to the Clean Air Act, ALC has an opportunity to confer with EPA to discuss the enclosed NOV and violations. I also encourage ALC representatives to consider this an opportunity to discuss a resolution of the violations identified in the enclosed NOV with EPA, so that the facility may promptly return to full Clean Air Act compliance status.

If you would like to arrange a meeting with EPA representatives to discuss the contents of the enclosed NOV and/or a resolution of the fugitive particulate matter opacity violations identified in the NOV, please contact Jim Hagedorn of my staff at 215-814-2161 at your earliest convenience and no later than thirty (30) days after your receipt of this letter.

Sincerely,



Judith M. Katz, Director  
Air Protection Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

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09 NOV 2007

Mr. Steven Hepler  
Air Quality Program Specialist  
Pennsylvania Department of Environmental Protection  
Pittsburgh Regional Office  
400 Waterfront Drive  
Pittsburgh, Pennsylvania 15222-4745

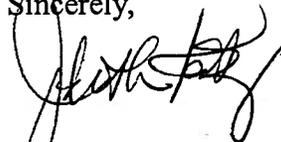
**Re: Notice of Violation: CAA-III-08-004**

Dear Mr. Hepler:

The U.S. Environmental Protection Agency, along with representatives of the Allegheny County Health Department, conducted a air inspection of Allegheny Ludlum Corporation's Natrona Pennsylvania facility on August 8, 2007 and witnessed violations of Article XXI visible emission requirements. Enclosed for your information is the Notice of Violation issued this day to Allegheny Ludlum Corporation for the observed violations.

If you should care to discuss this matter, do not hesitate to contact James Hagedorn, of my staff, at (215) 814-2161.

Sincerely,



Judith M. Katz, Director  
Air Protection Division

Enclosure

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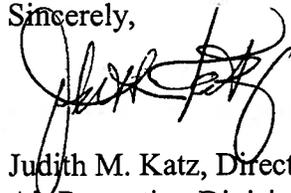
Mr. Roger Westman, Manager  
Air Quality Program  
Allegheny County Health Department  
301 39<sup>th</sup> Street  
Pittsburgh, Pennsylvania 15201

**Re: Notice of Violation: CAA-III-08-004**

Dear Mr. Westman:

As you know, EPA, in conjunction with Allegheny County representatives, conducted an inspection of the Natrona, Pennsylvania facility of Allegheny Ludlum Company on August 8, 2007. Violations of the County's Article XXI, Section 2104.01 regulation were witnessed during this inspection. Excess process fugitive emissions were witnessed at the Company's Basic Oxygen Furnace Shop during this inspection. EPA has enclosed a copy of the Notice of Violation, issued this day, to Allegheny Ludlum Corporation. EPA has made an offer to the Company to hold an NOV conference to discuss the matter if the Company so desires. We will let you know if such a conference is scheduled so that representatives from your office may join such conference.

Sincerely,



Judith M. Katz, Director  
Air Protection Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

-----X  
In the Matter of: |  
 |  
Allegheny Ludlum Corporation |  
100 River Road |  
Natrona/Brackenridge, PA 15014 |  
 |  
AFS # 42-003-00093 |  
-----X

**NOTICE OF VIOLATION**  
DOCKET NO. CAA-III-08-004

STATUTORY AUTHORITY

This NOTICE OF VIOLATION (NOV) is issued pursuant to Section 113(a)(1) and (3) of the Clean Air Act (the Act), as amended on November 15, 1990 by P.L. 101-549, 42 U.S.C. § 7413(a)(1) and (3), to Allegheny Ludlum Corporation (ALC) for violations of the Act, the Allegheny County portion of the Pennsylvania State Implementation Plan (Pennsylvania SIP), at the ALC steel manufacturing plant which straddles the municipalities of Natrona and Brackenridge, Allegheny County, Pennsylvania. Section 113(a)(1) of the Act requires the Administrator of the United States Environmental Protection Agency (EPA) to notify a person in violation of a state implementation plan (SIP) or permit of the violation and the State (PaDEP) having jurisdiction over that emission source. The authority to issue NOV's has been delegated to the Director of EPA Region III's Air Protection Division. A description of the regulatory background, the relevant facts and a list of the specific violations identified by EPA are outlined below. The geographical jurisdiction of EPA Region III includes the Commonwealth of Pennsylvania.

FINDINGS OF FACT

1. EPA is authorized by Section 113 of the Act, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. These include requirements promulgated by EPA and those contained in federally enforceable SIPs or permits.

2. ALC, a subsidiary of Allegheny Technologies Incorporated, produces silicon steel through the use of induction furnaces and Basic Oxygen furnaces (BOFs) that melt steel scrap along with various additives with the molten metal which is then poured into molds at ALC's Allegheny County plant which straddles the municipalities of Brackenridge and Natrona, PA (the "Facility"). The Facility is owned and operated by ALC and has been owned and operated by ALC at all

relevant times to this NOV. ALC is hereinafter referred to as "Respondent."

3. Respondent is a "person" within the meaning of Section 113(a) of the Act, 42 U.S.C. § 7413(a) and as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

4. The Pennsylvania SIP, approved by EPA at 40 C.F.R. § 52.2020(b), includes Allegheny County Health Department (ACHD) regulation Article XXI, Section 2104.01(a) covering visible emissions which provides that "a person may not permit the emission into the outdoor atmosphere of visible emissions in such manner that the opacity of visible emissions from a flue or process fugitive emissions from such source, excluding uncombined water:

1. Equal or exceed an opacity of 20% for a period or periods aggregating more than three (3) minutes in any 60 minute period ; or
2. Equal or exceed an opacity of 60% at any time.....".

5. On August 8, 2007, EPA inspectors and representatives conducted an inspection of the Facility and documented fugitive emissions from the BOF Shop in violation of the above regulations by following EPA Method 9 procedures; the readings listed below were taken by an EPA inspector certified for evaluating the opacity of visible emissions. The opacity readings results were as follows:

Time Period	# Readings $\geq$ 20%	#Readings $\geq$ 60%
9:15-10:15	82 (20.5 minutes)	5 (1.25 minutes)

6. According to the Method 9 opacity readings described above, the Facility is in violation of the Act and the Pennsylvania SIP, including, but not limited to, Article XXI, § 2104.01.

7. EPA is also aware that Respondents have received multiple Notices of Violation from ACHD for violations of the same requirement(s), and that prior settlements between ACHD and Respondent have failed to bring Respondent back into compliance with the Pennsylvania SIP.

#### CONCLUSIONS OF LAW

8. Since at least August 8, 2007, Respondent has been in violation of Section 113 of the Act, 42 U.S.C. § 7413 and the Pennsylvania SIP, including, but

not limited to, Article XXI, Section 2104.01 at the Facility's BOF Shop. Additionally, Respondent will be presumed to remain in violation of these requirements until Respondent establishes continuous compliance with the above requirements. See Section 113(e)(2) of the Act, 42 U.S.C. § 7413(e)(2).

### ENFORCEMENT

Section 113(a) of the Act, as amended, 42 U.S.C. § 7413(a), the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, et seq., as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, et seq., and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, provide that at any time after the expiration of 30 days following the date on which a NOV is issued, the Administrator of EPA, or an EPA official authorized to act as his representative, may, without regard to the period of violation (subject to 28 U.S.C. § 2462):

- (a) issue an order requiring compliance with the requirements of the state implementation plan or permit, or
- (b) issue an administrative penalty order pursuant to Section 113(d) for civil administrative penalties of up to \$25,000 per day of violation for violations occurring on or before January 30, 1997, \$27,500 per day of violation for violations occurring after January 30, 1997, and \$32,500 per day of violation for violations occurring after March 14, 2004, or
- (c) bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties of not more than \$25,000 per day for each violation occurring on or before January 30, 1997, \$27,500 per day of each violation for violations occurring after January 30, 1997, and \$32,500 per day of each violation for violations occurring after March 14, 2004.

Further, Section 113(c) of the Act, 42 U.S.C. § 7413(c), provides for criminal penalties or imprisonment, or both, for any person who knowingly violates any plan or permit requirement more than 30 days after the date of the issuance of a NOV.

Pursuant to Section 306(a) of the Act, as amended, 42 U.S.C. § 7606(a), regulations promulgated thereunder at 40 C.F.R. Part 15, and Executive Order 11738, facilities or persons to be utilized in federal contracts, grants and loans must be in full compliance with the Act and all regulations promulgated pursuant thereto.

Violation of the Act may result in the subject facility being declared ineligible for participation in any federal contract, grant, or loan.

#### PENALTY ASSESSMENT CRITERIA

Section 113(e)(1) of the Act, as amended, 42 U.S.C. § 7413(e)(1), states that the court in an action for assessment of civil or criminal penalties shall, as appropriate in determining the amount of penalty to be assessed, take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

Section 113(e)(2) of the Act, as amended, 42 U.S.C. § 7413(e)(2), allows the court to assess a penalty for each day of violation from the first date of violation. Where the plaintiff makes a prima facie showing that the conduct or events giving rise to this violation are likely to have continued or recurred past the date of this NOV (or a previously issued air pollution control agency NOV for the same violation), the days of violation shall be presumed to include the date of this NOV (or the previous NOV) and each and every day thereafter until Respondent establishes that continuous compliance has been achieved, except to the extent that Respondent can prove by the preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.

#### OPPORTUNITY FOR CONFERENCE

Respondent may, upon request, confer with EPA to discuss this NOV. If Respondent requests a conference with EPA, Respondent should be prepared to describe the causes of the violation and to describe any actions Respondent may have taken or propose to take to bring the Facility into compliance. Respondent has the right to be represented by counsel. Respondent must submit any request for a conference with EPA within 10 days of receipt of this NOV. A request for a

conference with EPA, and/or any inquiries regarding this NOV, should be submitted in writing to:

James W. Hagedorn  
Air Enforcement Branch, 3AP12  
U.S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

EFFECTIVE DATE

This NOV shall be effective immediately upon receipt.

QUESTIONS REGARDING NOV

If you have any questions concerning this Notice of Violation, you may contact Mr. Bowen Hosford, Acting Chief, Air Enforcement Branch, at (215) 814-3158, or James W. Hagedorn at (215) 814-2161.

DISCLOSURE INFORMATION

Certain companies may be required to disclose to the Securities and Exchange Commission (SEC) the existence of certain pending or known to be contemplated environmental legal proceedings (administrative or judicial) arising under federal, state or local environmental laws. Please see the attached "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings" for more information about this requirement and to aid you in determining whether your company may be subject to the same.

  
\_\_\_\_\_  
Judith M. Katz, Director  
Air Protection Division

11/08/07  
\_\_\_\_\_  
Date

cc: James Thompson, ACHD  
Steven Hepler, PaDEP-Pittsburgh Regional Office